UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/008,254	11/09/2001	Prasanna Amerasinghe		7429

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R. Alan Burnett
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Seventh Floor
12400 Wilshire Boulevard
Los Angeles, CA 90025-1026

EXAMINER
KRISCIUNAS, LINDA MARY

ART UNIT	PAPER NUMBER
3623	

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/008,254	AMERASINGHE ET AL.
	Examiner	Art Unit	
	Linda Krisciunas	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>09 November 2001</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-44</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-44</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>09 November 2001</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

Double Patenting

1.   The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., In re Berg, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); In re Goodman, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); In re Longi, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); In re Van Ornum, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); In re Vogel, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and In re Thorington, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2.   Claims 1-44 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-32 of copending Application No. 10/007730 in view of Venner.

This is a provisional obviousness-type double patenting rejection.

3.   Claims 1, 15 and 31 of the instant application provide the same limitations as claims 1 and 17 of Application 10/007730. The only difference is that application 10/008254 has the additional feature of a computer system with a video display and storage device with memory for storing machine instructions. This difference is merely automating the method of the instant application. It was known at the time of the invention that merely providing an automated way to replace a well-known activity which

accomplishes the same result is not sufficient to distinguish over the prior art. *In re Venner*, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958). Therefore, it would have been obvious at the time of the invention to modify the method of the instant application with the computer automated feature of 10/008254 to provide a more efficient means of running the system.

Claims 2, 16 and 32 provide the same limitations as claims 2 and 18.

Claims 3, 17 and 33 provide the same limitations as claims 3 and 19.

Claims 4, 18 and 34 provide the same limitations as claims 4 and 20.

Claims 5, 19 and 35 provide the same limitations as claims 6 and 22.

Claims 6, 21 and 36 provide the same limitations as claims 8 and 24.

Claims 7, 23 and 37 provide the same limitations as claims 9 and 25.

Claims 8, 24 and 38 provide the same limitations as claims 10 and 26.

Claims 9, 25 and 39 provide the same limitations as claims 11 and 27.

Claims 10, 26 and 40 provide the same limitations as claims 12 and 28.

Claims 11, 27 and 41 provide the same limitations as claims 13 and 29.

Claims 12, 28 and 42 provide the same limitations as claims 14 and 30.

Claims 13, 29 and 43 provide the same limitations as claims 15 and 31.

Claims 15, 30 and 44 provide the same limitations as claims 16 and 32.

4.   Claim 20 of the instant application provides the same limitations as claims 7 and 23 of Application 10/007730. The only difference is that application 10/008254 has the additional feature of a computer system with a video display and storage device with memory for storing machine instructions. This difference is merely automating the

method of the instant application. It was known at the time of the invention that merely

providing an automated way to replace a well-known activity which accomplishes the

same result is not sufficient to distinguish over the prior art. *In re Venner*, 262 F.2d 91,

95, 120 USPQ 193, 194 (CCPA 1958). Therefore, it would have been obvious at the

time of the invention to modify the method of the instant application with the computer

automated feature of 10/008254 to provide a more efficient means of running the

system.

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6.   Claims 1-44 are rejected under 35 U.S.C. 102(e) as being anticipated by Sultan

(US 6,804,657).

As per claim 1, 15 and 31, Sultan teaches inputting hierarchy data defining the

hierarchy structure of the organization (column 2, line 36: "hierarchical structure"),

including data identifying a hierarchical position of members of the organization (column

2, lines 38-40: "hierarchical structure may be a global sales hierarchical structure that

includes a national hierarchical sales structure for each country where the company

maintains a sales force"); inputting forecast data corresponding to members of the organization (column 2, lines 31-32: " storing the forecast sales information in the database"); defining visibility rules that specify the forecast data that are visible to each member of the organization (column 5, lines 13-19: "In addition to being assigned a place within the hierarchical sales structure, each member of the sales force is assigned a permission level. According to the present invention, the permission level determines what information is available to each person within the sales force and in particular, what forecast information is visible, accessible and/or modifiable to and by each person."); and enabling a forecast to be generated for any member of the organization that has a forecast, where each forecast is generated based on forecast data that is visible to the member that owns the forecast as specified by the visibility rules (column 7, lines 57-59: "to restrict access to the pipeline and/or forecast information, the assigned position levels are used." And column 7, lines 66-67 and column 8, lines1-2: "a member of the sales force may only access pipeline and/or forecast information tagged to hierarchically lower members within a same branch of the hierarchical tree structure.").

As per claim 2, 16 and 32, Sultan teaches defining visibility rules that specify the forecast data that is visible to each management level (column 7, lines 44-52: "The . entered pipeline and sales information, however, should not be universally accessible by all members of the sales organization. For example, the member of the sales force occupying the Sales Manager position B11 should have access to the pipeline and forecast sales information entered and/or modified by his or her hierarchically-lower

Account Supervisors B111, B112 and B113 and entered by those Account

representatives (e.g., B1121-B1125, among others) that report to him."); and enabling a

forecast to be generated for any management level where the forecast generated in

based on forecast data that is visible to the management level for which the forecast

corresponds as specified by the visibility rules (column 7, lines 57-59: "to restrict access

to the pipeline and/or forecast information, the assigned position levels are used." And

column 7, lines 66-67 and column 8, lines1-2: "a member of the sales force may only

access pipeline and/or forecast information tagged to hierarchically lower members

within a same branch of the hierarchical tree structure.").

As per claim 3, 17 and 33, Sultan teaches a forecast generated for a manager

where the visibility rules include a maximum hierarchy depth search value (n) defining a

search scope such that the forecast is generated from the manager's own forecast data

and from forecast member corresponding to members of the organization who are

subordinates and equivalent managers (<=n). (Column 7, lines 47-64: "Sales Manager

position B11 should have access to the pipeline and forecast sales information entered

and/or modified by his or her hierarchically-lower Account Supervisors B111, B112 and

B113 and entered by those Account representatives (e.g., B1121-B1125, among others)

that report to him. However, the Sales Manager B11 may have no reason to access

either pipeline or forecast information from Sales Managers B12, B13 (even though B12

and B13 belong to the same Division as B11) or that of any other Sales Manager or any

hierarchically higher Regional manager, Division Head or CEO. To restrict access to

the pipeline and/or forecast information, the assigned permission levels are used. In

general, the permission levels for access pipeline and/or forecast information matches a

sales force member's hierarchical position within the sales organization, unless such

sales force member belongs to an "overlay organization" that participates in the

opportunity and has permission to add information to it, but does not "own" the

corresponding forecast.")

As per claim 4, 18 and 34, Sultan teaches creating a forecast series comprising a

set of parameters that define attributes of forecasts; and using the set of parameters in

the forecast series to generate the forecast (column 12, lines 1-5: "through a computer

(318) connected to the network (312), request a forecast by entering the parameters for

the desired forecast in a first screen, such as shown at (320). In the case illustrated in

FIG. 3, a Summary by Product forecast is requested.").

As per claim 5, 19 and 35, Sultan teaches enabling a member of the organization

to submit a forecast to a superior (see claim 1: "accepting original pipeline sales

information remotely entered by members of the sales force over a computer network");

and preventing the member from modifying the forecast after it has been submitted

(column 5, lines 15-19: "the permission level determines what information is available to

each person within the sales force and in particular, what forecast information is visible,

accessible and/or modifiable to and by each person." where the submission cannot be

changed unless the superior changes the permissions to allow it.).

As per claim 20, Sultan teaches enabling the superior that received the forecast

to unsubmit the forecast such that the member that submitted it can modify the forecast

(column 7, lines 15-22: "Therefore, persons within the sales force occupying positions

within the hierarchy that are higher than that of the sales person having entered the

pipeline information may modify pipeline sales information included in the original

pipeline sales information by increasing or decreasing it, at their discretion. This

modified pipeline sales information then, according to the present invention, becomes

forecast information." Indicates the superior has the ability to change the data at their

discretion which includes allowing the submitter to change it instead of the superior.).

As per claim 6, 31 and 36, Sultan teaches presenting the forecast data in

graphical format that enables comparing to related forecasts over time that are specified

to be visible to that member (column 11, lines 9-12: "Regional Manager B3 may view a

pipeline and/or a forecast by rolling up (summing) the pipeline and/or forecast

information of all those directly or indirectly reporting to him." Where the pipeline

contains multiple forecasts that are viewed simultaneously.).

As per claim 7, 23 and 37, Sultan teaches inputting hierarchy data defining

members of the organization and position held (column 2, line 36: "hierarchical

structure" and column 2, lines 38-40: "hierarchical structure may be a global sales

hierarchical structure that includes a national hierarchical sales structure for each

country where the company maintains a sales force"); inputting sets of forecast data,

each set corresponds to a member of the organization (column 2, lines 31-32: " storing

the forecast sales information in the database"); generating a forecast for a manager

based on forecast data corresponding to the manager and at least one set of forecast

data corresponding to one or more subordinates that is a member of the manager's

hierarchy (); and presenting information to allow the manager to view the set of forecast

information for the manager and sets of forecast data for each subordinate in both

aggregated and separated formats (column 7, lines 57-59: "to restrict access to the

pipeline and/or forecast information, the assigned position levels are used." And column

7, lines 66-67 and column 8, lines1-2: "a member of the sales force may only access

pipeline and/or forecast information tagged to hierarchically lower members within a

same branch of the hierarchical tree structure.").

As per claim 8, 24 and 38, Sultan teaches enabling the manager to adjust values

of data pertaining to the forecast data of the subordinate such that the adjusted values

are considered rather than the original values (column 2, lines 27-31: "selectively

modifying pipeline sales information included in the stored original pipeline sales

information to generate forecast sales information while maintaining the stored original

pipeline sales information unchanged").

As per claim 9, 25 and 39, Sultan teaches the original values are adjusted and

preserved such that the subordinate is able to see only the original values and not the

adjusted values (column 2, lines 27-31: "selectively modifying pipeline sales information

included in the stored original pipeline sales information to generate forecast sales

information while maintaining the stored original pipeline sales information unchanged").

As per claim 10, 26 and 40, Sultan teaches a forecast adjustment history

mechanism that enables the manager to view a historical record of the adjustments

made to the data of the manager's forecast and sets of forecast data on the

subordinates (column 2, lines 27-37: "selectively modifying pipeline sales information

included in the stored original pipeline sales information to generate forecast sales

information while maintaining the stored original pipeline sales information unchanged;

storing the forecast sales information in the database and tagging the stored forecast

sales information to that member of the sales force having modified the pipeline sales

information; and selectively aggregating the stored sales forecast information according

to a hierarchy indicated by the hierarchical structure to generate, upon request, a real

time sales forecast over a selected time period." Since the data is tagged and stored, a

historical record is maintained of the changes made.).

As per claim 11, 27 and 41, Sultan teaches enabling a superior of the manager to

view both the original and adjusted values of the values adjusted by the manager

(column 10, lines 61-64: "Indeed, as the pipeline sales information is maintained

unchanged in the database 310, A33 may view the original (or the current) pipeline

sales information before submitting his forecast and/or may view the last submitted

forecast.", where A33 is a superior to a manager, per Figure 1 and may view the original

as well as the updated forecast information.).

As per claim 12, 28 and 42, Sultan teaches inputting hierarchy data defining

members of an organization (column 2, line 36: "hierarchical structure") and a

hierarchical position held by each member (column 2, lines 38-40: "hierarchical

structure may be a global sales hierarchical structure that includes a national

hierarchical sales structure for each country where the company maintains a sales

force"); inputting forecast data corresponding to the each member (column 2, lines 31-

32: " storing the forecast sales information in the database"); determining an identity of a

current forecast participant who is a member of the organization (See Figure 1 where all

members are given an identification code); identifying members of the organization who

are subordinate to the current forecast participant based on hierarchy data (See Figure

1 where the hierarchical structure is mapped out); generating forecasts for one or more

members of the organization who are identified as being subordinate to the current

forecast participant (Column 7, lines 47-64: "Sales Manager position B11 should have

access to the pipeline and forecast sales information entered and/or modified by his or

her hierarchically-lower Account Supervisors B111, B112 and B113 and entered by

those Account representatives (e.g., B1121-B1125, among others) that report to him.

However, the Sales Manager B11 may have no reason to access either pipeline or

forecast information from Sales Managers B12, B13 (even though B12 and B13 belong

to the same Division as B11) or that of any other Sales Manager or any hierarchically

higher Regional manager, Division Head or CEO. To restrict access to the pipeline

and/or forecast information, the assigned permission levels are used. In general, the

permission levels for access pipeline and/or forecast information matches a sales force

member's hierarchical position within the sales organization, unless such sales force

member belongs to an "overlay organization" that participates in the opportunity and

has permission to add information to it, but does not "own" the corresponding

forecast."); and presenting forecast data to the current forecast participant may view

forecast data specific to each of the subordinates and view forecast data that are

aggregated across forecasts of one or more subordinates (column 5, lines 13-19: "In

addition to being assigned a place within the hierarchical sales structure, each member

of the sales force is assigned a permission level. According to the present invention,

the permission level determines what information is available to each person within the sales force and in particular, what forecast information is visible, accessible and/or modifiable to and by each person.").

As per claim 13, 29 and 43, Sultan teaches the current forecast participant is a manager whose forecast is determined, in part, on forecasts that are submitted by one or more selected members of the organization who are subordinate to the manager comprising (column 2, lines 61-column 3, line 2: "Each member of the sales force of the company may be assigned a permission level, the assigned permission level determining which stored sales forecast information are aggregated in the real time sales forecast. A real time sales forecast may be generated by aggregating only stored sales forecast information and/or stored pipeline sales information of those members of the sales force having a lower permission level than a member of the sales force having requested the real time sales forecast."): automatically generating a forecast for any member among one or more selected members who has yet to submit a forecast (column 2, lines 11-14: "provide methods and systems to provide multi-national corporations with methods and systems to securely generate real time global sales forecasts at any level of the sales force hierarchy"); and generating a forecast for the manager based on a combination of forecasts submitted by one or more selected members and any forecast that are automatically generated (column 2, lines 34-37: "selectively aggregating the stored sales forecast information according to a hierarchy indicated by the hierarchical structure to generate, upon request, a real time sales forecast over a selected time period.").

As per claim 14, 30 and 44, Sultan teaches the manager occupies at least a second level of management in the organization's hierarchy and automatically calculating forecasts for one or more selected members of the organization who are subordinate to the manager and have not submitted their forecast is applied in a recursive manner from lower levels to higher levels in the organization's hierarchy (column 3, lines 16-41: "comprising the steps of defining a hierarchical structure representative of an organization of an entire sales force of the multi-national company; providing a remotely accessible Internet application, the Internet application being configured to allow each member of the sales force to remotely input pipeline and/or forecast sales information via an Internet browser and to store the at least one of inputted sales and forecast information in a single database; selectively allowing the pipeline and/or sales information to be rolled up the hierarchical structure upon request and summed to generate the aggregate sales forecast over a selected time period. The rolling up step may be carried out to a highest level in the hierarchical structure and the aggregate sales forecast may be a global sales forecast for the multi-national company. The selectively allowing step may include steps of assigning a permission level to each salesperson within the sales force according to a position of each member of the sales force within the hierarchical structure and the assigned permission level may determine what pipeline and/or sales forecast information may be included in the aggregated sales forecast. At least the Chief Operating Officer (CEO) of the multi-national company may be assigned a highest permission level. The selectively allowing step may further

include steps of assigning a special permission level to a person, the special permission level being uncorrelated to a position of the person within the hierarchical structure.").

As per claim 22, Sultan teaches a database server on which the database (column 2, line 24: "database") is hosted, linked in communication with the computer server via the network (column 2, line 23: "computer network" and column 5, lines 61-67: "The computer network may include the Internet, for example, and/or other communication infrastructure. Indeed, the terms Internet and network are used interchangeably herein, and are intended to cover the Internet as it exists as of the time of this writing, and also any other communication infrastructure for computers and/or other network devices yet to be developed.").

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following art also teaches generating and managing forecasts and revenue management: Minkiewicz et al (US 6,073,107), Sankaran et al (US 2002/0133444), and "S3/Diamond Multimedia Selects ChannelWave to Improve Sales Through Information Management", Business Wire, April 5, 2000.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Linda Krisciunas whose telephone number is 571-272-6931. The examiner can normally be reached on Monday through Friday, 6:30 am to 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 571-272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LMK

Dec 12, 2005

TARIQ R. HAFIZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600